



STATE OF WASHINGTON
PUBLIC EMPLOYMENT RELATIONS COMMISSION

CATHLEEN CALLAHAN, EXECUTIVE DIRECTOR

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MINUTES

March 11, 2008

The regular meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Large Conference Room, Public Employment Relations Commission, 112 Henry Street NE, Suite 300, Olympia, Washington. Those present and participating were:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Douglas G. Mooney, Commissioner
Cathleen Callahan, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, General Counsel

Also present and participating:

Glenn Frye, OFM Labor Relations Office
Gladys Burbank, Washington Federation of State Employees
Edward Younglove, Washington Federation of State Employees
Herb Harris, Washington Public Employees Association
Kathy Palladino, Public Employment Relations Commission

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on February 12, 2008, were approved as submitted.

REPORT OF THE EXECUTIVE DIRECTOR

1. Executive Director Callahan reported that case intake seems to be increasing or at least holding steady. There were 57 cases filed during the month of February, of which there were 18 unfair labor practice cases, 15 mediation cases, and seven grievance mediation cases. Field work is outpacing formal work. Thirty-one cases were filed by our traditional RCW 41.56 clientele, and 19 were filed under the PSRA. Five election cases and two unit clarification cases were also filed.



2. There are 381 cases pending, 174 are non-APA cases and 207 are APA cases.
3. There were 27 cases closed during the month of February. Although this seems a little light, it could be due to the fact that there are a large number of ongoing mediation cases. The breakdown shows there were 16 non-APA cases and 11 APA cases closed during the month.
4. The Red List (cases ready for decision more than 90 days) was reviewed. Six of the seven cases should issue soon. The Yellow List (cases ready for decision 45 to 89 days) was reviewed. There are two cases on this list. The Management Team/Team Leaders are trying to anticipate future cases before they appear on the Yellow List.
5. Ms. Callahan reviewed the legislation that passed during this year's short session.
 - HB 2963/SB 6737 authorizes academic employees (RAs and TAs) collective bargaining rights at Washington State University. This is similar to the earlier legislation that granted such rights to the UW academic employees.
 - The legislation regarding interest arbitration for the Washington State Patrol passed. This bill requires an arbitrator to be pre-selected and places a drop dead date for negotiations to end and for interest arbitration to commence.

The following legislation died during the session:

- HB 2449/SB 6522 - Collective bargaining for child care center directors and workers.
 - SSB 6835 - Little Labor Management Relations Act.
 - SB 6589 - Extension of the October 1 deadline for Chapter 41.80 RCW for higher education if the parties have engaged in mediation and factfinding.
 - HB 2672/SB 6350 - Adult Family Home employees.
 - HB 3292 - Executive Session bill.
6. Executive Director Callahan and Business Manager Jim Lohr are working on the agency Strategic Plan. Goals are being redefined to include outreach, training, and education.
 7. Operations Manager Ken Latsch is working with our consultant, Steve Sussman, to have the PDP in place by the end of June. The Design Team and the entire staff will be included in the process because we want input from all employees.

8. Ms. Callahan reported that the Management Team will be meeting at the end of this week to work on the long range plan, the goals we hope to accomplish, and how to prioritize them.
9. Ms. Callahan also reported that Jim Lohr, Ken Latsch, and David Gedrose are attending training to prepare our application for the Washington State Quality Award. The pre-application has been filed. The agency assessment will be due October 1, 2008.
10. Labor Relations Adjudicator/Mediators Jamie Siegel, Jessica Bradley, and Charity Atchison are in Reno attending their second week of training at the National Judicial College.
11. The Labor and Employment Relations Conference (LERA) will be held April 10 and 11, 2008, at the Convention Center in Seattle. Team Leaders Walter Stuteville and Martha Nicoloff and LRAMS Christy Yoshitomi and Lisa Hartrich are on the planning committee for the conference.
12. Executive Director Callahan announced that the agency has reached another historical milestone. After 32 years, we have reached Decision 10000. Ms. Callahan and the Commissioners signed Decision 10000 which reads:

It is with great pleasure that we issue this historic decision, our 10000th, in honor of public employees, labor organizations, and employers across the great State of Washington who engage in the process of collective bargaining. We express our gratitude to the Commission staff who support or provide mediation and adjudication services with extraordinary dedication in keeping with the mission of the Public Employment Relations Commission.

RULES

The Executive Director noted that at the last meeting the unions wanted more time to work on a rule regarding election campaigning. They were to meet and report back to us by this meeting. They did not. They had also asked for time to review our draft of a self-determination rule. Ms. Callahan received an email yesterday indicating that they had not completed their work and asking whether the rules would be discussed at this Commission meeting. Ms. Callahan noted that the unions have discussed the rules, but the parties have not gotten back together again. Mr. Younglove noted that the interested stakeholder unions had discussed the proposed rule, agreed that a special rule covering only state employees would be appropriate, and that it was up to the Commission to now adopt a rule, as required by the statute. Mr. Frye stated that the LRO was not expecting to comment upon the proposals

at the meeting based upon conversations with staff, but would like to see a rule adopted and the rules adoption process finished.

The Executive Director assured clientele that the rule adoption process will be addressed at the April 8th Commission meeting. Dario de la Rosa will distribute the background material and the proposed language to all interested parties for review prior to the meeting.

Ms. Callahan noted that a rule may be needed to amend a certification to include a name change as a housekeeping measure. This language will be included in the package distributed to clientele. Chairperson Sayan suggested that the language reference the former name and the new name and possibly attach the previous certification with the order.

The rules adopted on February 12, 2008, will be put on the agency website and distributed to all interested parties. These rules go into effect on April 1, 2008.

Ms. Callahan thanked Dario de la Rosa and Ken Latsch for their assistance throughout the legislative session.

COMPLIANCE DOCKET

Mr. de la Rosa reviewed the Compliance Docket in David Gedrose's absence and reported the following:

Port of Walla Walla, Case 18779-U-04-4768. Mr. de la Rosa reviewed a letter from counsel for the union asking for waiver of compliance. Compliance Officer David Gedrose had requested a response from the union. Walla Walla Superior Court affirmed the Commission's decision in this matter. Mr. de la Rosa recommended accepting the letter as compliance in the matter and closing the case. The Commission unanimously agreed. Mr. de la Rosa noted that this is one of the compliance cases discussed at the February meeting that the Commission would review the matter on a case-by-case basis.

Snohomish County, Case 19549-U-05-4959. Mr. de la Rosa reported that the parties are still in the process of negotiations and asked that the matter be held over until the April meeting per Mr. Gedrose's request.

COURT DOCKET

There was no court activity to report.

COMMISSION DOCKET

The Commission docket was reviewed and the status of each case was discussed.

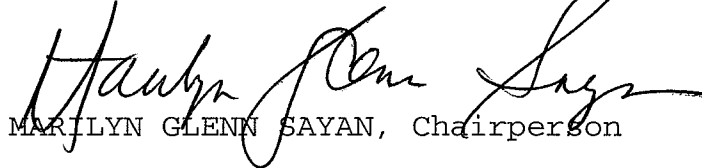
OTHER BUSINESS


There was no other business to come before the Commission.

ADJOURNMENT

There being nothing further to come before the Commission, the meeting was then adjourned.


PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


DOUGLAS G. MOONEY, Commissioner

ATTEST:


CATHLEEN CALLAHAN
Executive Director